

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re EpiPen ERISA Litigation

Court File No. 17-cv-1884 (PAM/HB)

**DEFENDANTS EXPRESS SCRIPTS, INC., EXPRESS SCRIPTS HOLDING CO.,
AND MEDCO HEALTH SOLUTIONS, INC.’S MOTION TO DISMISS THE
CONSOLIDATED CLASS ACTION COMPLAINT**

Defendants Express Scripts, Inc., Express Scripts Holding Co., and Medco Health Solutions, Inc. (collectively “Defendants”), by and through their undersigned counsel, hereby move to dismiss all claims asserted against them in the Consolidated Class Action Complaint (“Complaint”).

This Motion is made pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) on the grounds that Plaintiffs lack Article III standing, and thus this Court lacks subject-matter jurisdiction over this action; the Complaint fails to state a plausible claim; and Plaintiffs have failed to state a claim upon which relief can be granted. This Motion is supported by all files, records, and proceedings herein, including Defendants’ supporting memorandum of law, declarations, exhibits, and the arguments of counsel at the hearing.

Dated: June 1, 2018

FELHABER LARSON

By: /s/ Donald G. Heeman

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